IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 800 of 2005

Between:

1. Smt. Urmila Devi, W/o. P.Vasudeva Reddy,

aged 29 years, R/o.Flat No.1-B, Vishal Towers,

Navodaya Colony, Yellareddyguda, Hyderabad-73

2. Smt.Renuka Devi, W/o.K.Balaram Reddy,

aged 31 years, R/o. California, U.S.A.,

rep.by her Power of Attorney Holder

Smt.Urmila Devi

..... PETITIONERS

AND

1. The Mandal Revenue Officer,

Shamshabad Mandal, R.R.District

2. Sri Chengali Narayan Reddy, S/o.Malla Reddy

@ Mallaiah, aged Major, R/o. Kothwalguda Village,

Shamshabad Mandal, R.R.District

3. Sri Chengali Lachi Reddy, S/o.late Chengali Venkat

Reddy, R/o.Kothwalguda village, Shamshabad Mandal,

R.R.District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of mandamus, declaring the order of the 1st respondent in Proceedings No.B/6317/2003, dt.17.3.2004 and other consequential proceedings as illegal and without jurisdiction set aside the same and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.P.ROY REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The petitioners claim to be owners and pattadars of different extents of land in Sy.No.171 situate at Kothwalguda village, Shamshabad Mandal, R.R.District. The grievance of the petitioners is that without any notice, the 1st respondent issued the impugned proceedings No.B/6317/2003, dated 17.03.2004 declaring the respondent Nos.2 and 3 as successors of the deceased protected tenants to the lands in question. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. Both the counsel agreed for disposal of the writ petition at the stage of admission.

The learned Government Pleader for Revenue submitted that as against the

impugned order, a statutory appeal lies to the Collector under Section 90 (1) of Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short 'the Act') and without exhausting that remedy, the petitioner rushed to this Court through this writ petition.

Section 90 (1) of the Act reads as follows:

> "From every order other than an interim order passed by the Tahsildar or the Deputy Collector or the Tribunal under this Act, an appeal shall lie to the Collector and the orders of the Collector on such appeal shall be final"

Since, an alternative remedy of appeal is provided as against the impugned order dated 17-3-2004, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to prefer an appeal before the appellate authority under Section 90 (1) of the Act against the impugned order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

Dated: 27.01.2005

Dsr/Tvk

To:

1. The Mandal Revenue Officer,

Shamshabad Mandal, R.R.District

2. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

3. Two CD copies

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